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# THE STANDARD OF CHILDREN'S COURT WORK

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I remember once when a boy in the country how close my brother and I came to being taken to the county jail because we threw mud at the mail box of an old woman who came under the ban of our boyhood dislike. We would have gone to jail if my father had not bought the old woman off. This was typical of what might have happened to any child in the country at that time if he transgressed the laws of the land.

The old standard of justice to children could be summed up as follows: The criminal law was there. Children had broken it. They were therefore criminals and must be treated as such. If they were herded in with strumpets, thieves and pickpockets in the morning's catch to be tried before the magistrate it was done because that was the way criminals should be handled. These children were criminals, therefore we must treat them thus. The sacred shell of custom had hardened around our treatment of delinquents. It demanded an eye for an eye—a punishment for an offense—no matter if a life were ruined or a soul blasted in the process. People shook their heads solemnly and maybe they quoted scripture and it never once occurred to them to use Christian common sense.

Today it is unthinkable in our cities at least that a child should be sent to jail. Any magistrate or justice in the Children's Court guilty of such a commitment would call down upon his head such public protest as would effectively bring an end to his official career.

It was only about fifteen years ago that this change in the treatment of delinquent children came about in the public mind. As by common consent in the various parts of the country efforts sprang up to establish children's courts separate from those in which adult criminals were tried. It is difficult to say where the first children's court was organized. The New York Children's Court was established in a building separate from the adult courts in 1902. The children's courts in Chicago, Boston, and in some other cities either antedated this court or followed immediately after.

We heard little about the courts of our largest cities but we heard much about the Children's Court established in Denver because of the genius for publicity possessed by Judge Lindsay, the founder of

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that tribunal. Many great movements grow very slowly because they are not advertised. The children's court movement was fortunate to have one among its numbers with such a knack for publicity as Ben Lindsay possessed. It is through him that the general public has become acquainted with the children's court idea. *Publicity* was his great contribution; but it is not to him that we should look for the genius that has developed the children's court movement along fundamentally scientific lines. It has fallen to the lot of the courts of the great cities, Chicago, New York and Boston particularly, to develop the best standards of children's court work.

For some years the children's courts by the method of trial and error have been correcting and developing the standards of their work. Many experiments have been tried and found wanting, but in all there has been the guiding genius of common sense and it seems that we have arrived at a fairly good standard of work with the delinquent children and that sound ideals are gradually being established as the goal and aim of our juvenile courts.

It is our purpose to outline the standards which the children's courts have set for themselves and their work.

The first essential for a children's court is that it be entirely separate from adult courts.

In New York City the children's cases were originally tried in the Court of Special Sessions in the same room in which adult criminals were brought. In 1902 the children's court was made a separate part of the Court of Special Sessions and children's trials were heard in a separate building. However, the same judges who tried adult criminals still sat in the children's court, and the children's court was under the administrative control of the adult courts. In 1912 special judges were assigned exclusively to children's court work. In 1915 through legislation fathered by the Committee on Criminal Courts the Juvenile Court was made a separate division under the control of five justices appointed by the mayor to the children's court bench. By this law the children's court is made its own master, responsible only to the five justices who hear only cases of children. It would be difficult to measure the vast improvement in the handling of the work in the children's court brought about by this change.

Other courts that have achieved the same or broader independence have experienced the same change for the better.

The second essential for an effective children's court is largely dependent upon the first. This is the establishment of a method of court administration best suited to *save* rather than punish the child

delinquent. The point of view of the children's courts must be entirely different from the attitude taken relative to adult, hardened criminals. This point of view is well summed up in the New York Penal Code, where it is stated that children are not to be convicted of crime but are to be adjudged delinquent children in need of the care and protection of the state.

These two fundamental principles, a separate children's court and a method of court administration best suited to save the child delinquent, imply the development of an entirely new standard of work and methods of dealing with children.

Let us outline some of the standards that are definitely established.

The first and perhaps the most essential step is the formation of a consistent, judicial policy by a trained judge who has been especially assigned to handle children's cases and children's cases alone. This has been done in the courts of the larger cities.

Judge Hoyt, the presiding justice of the New York Children's Court, perhaps the best and most thoroughly informed children's court justice in the United States, has served in the New York Children's Court for nine years, though during the first four years he had only part time assignment to children's court work. Judge Wilkin of the Brooklyn court has served fourteen years. Some of our cities have not been so fortunate. Politics have entered in to make the tenure of office of justices uncertain. This is particularly true where justices are elective rather than appointive.

In rural communities special justices have not been assigned to children's court work to any considerable degree. In some places, however, movements have been started for the establishment of county juvenile courts with separate judges. The conditions that now exist in most of our rural communities point to the necessity of the establishment of some such county plan in handling the delinquent children in these districts. For instance, we have it on good authority that in Westchester County, New York, there are 153 justices, judges, magistrates and justices of the peace who can dispose of delinquent and dependent children. There are therefore in Westchester County 153 different kinds of children's courts. What this county needs is one judge for all children's cases. Such a judge would be able to formulate a consistent children's court plan and the best public spirit of the county could be organized to help. What is true in Westchester County is true of hundreds of other rural communities.

When a delinquent is brought to the children's court it is not the business of the judge to bring down upon his head the wrath of the community in the form of revenge with the idea to expiate the offense. The child before the judge may be a little tough, bad as a boy or girl can be, but that is no reason why he should be punished instead of saved. The best standards demand that the courts seek a way to start the child back toward normal childhood life. This cannot be done wisely unless the court has before it all of the facts and circumstances that have led to delinquency and a knowledge of the environmental, family and individual life, that have an influence for the worse or that may be used as a potent force for the better. It is essential that the court be provided with means of finding out these facts. In children's court parlance there is need of a preliminary investigation.

An effective standard of work along this line was first developed by the Chicago court under Mr. Henry W. Thurston, who was the first chief probation officer of that court. In the Chicago and New York children's courts and in practically all of the well established courts a preliminary investigation is made in every case of grave delinquency and in every serious case of parental neglect. The courts by long experience have learned what are the most essential facts for the judge to have. The probation department is responsible for making all of these preliminary investigations. With all of the possible knowledge obtainable before him the judge is able to make a sensible, kindly and sound disposition of the case.

It is often found essential to detain the child in the custody of the court while such investigation is being made. It is frequently necessary to detain children for a short time before the case is heard at all. It is therefore necessary to provide a proper place of detention for children awaiting the decision of the courts. Many cities and smaller communities have provided their courts with proper detention homes constructed along most enlightened lines. For the larger cities the Chicago Detention Home stands out prominently. The detention home presided over by Mrs. West at Memphis, Tennessee, has much that is ideal in arrangement for small cities and communities. The detention home in Newark, New Jersey, is the newest and perhaps the most complete of all. In this place of detention, while the probation officer is out in the field finding out the essential facts regarding the environmental and family conditions, the physician and psychologist are doing their part. Here proper physical examination is made and a measure of the child's mental capacity is taken, particularly if there is any doubt as to the child's normality. This, of course, has entailed

the establishment of a clinic, but this clinic is not necessarily elaborate. Where funds are not provided for paid physicians volunteer service is generally obtained.

After all the preliminary work has been done and the child is again brought before the court for final disposition the judge's hands are tied unless adequate means are at his disposal for bringing the child back to normal living. First and most important among these is a trained, devoted and intelligent staff of probation officers to exercise supervision over children who can possibly be brought back to a wholesome life without resort to institutional commitment.

Chicago has a staff of seventy probation officers attached to the Children's Court. New York has sixty.

The probation officer is the good Samaritan of the court. He is a combined employment agency, minister, teacher and friend to the probationer. To be successful he must possess the qualities of tact, generous sympathy, forbearance and kindness with a proper mixture of severity and authority. It is his duty to exercise helpful, constructive and authoritative supervision over the children that are in his charge. Experience has shown that in so far as possible probationers should be placed in charge of probation officers of the same religious faith.

The probation officer returns the child to his home and builds up around him the proper influences for better and more wholesome living. His work is preventive in that he seeks to avoid further lapses into delinquency and is constructive in that he tries to lay the foundations in the child's life for good citizenship.

As the children's courts developed probation became more and more important until now it is recognized to be the surest as well as the most economical means of reformation.

Judge Hoyt, presiding justice of the New York Children's Court, has often stated that it is the consistent policy of the court through probation to save the child from institutional commitment in every possible case. This is the consistent policy of all our best courts. Probation is the hand of the court extended to help the children along the road to better things and saves them from institutional life. It is used to the fullest extent in the courts that are properly performing the work for which they were established.

Of course there are cases where the interest of the community and of other children in the neighborhood, as well as the interest of the individual, warrant institutional commitment. In such cases the work

of the court goes for naught if there are not properly equipped institutions for these more incorrigible delinquents.

If the children's court work is held to a high standard the judge must know about the institutions to which he commits. He must have clearly in his mind the essential qualities of each institution that makes it valuable as a salvage station for particular classes of delinquent children. The judge, therefore, must have time to visit these institutions to confer with the managers. He must know what they stand for and the methods they use in their reformatory work. Institutions and the children's court are very closely related and to bring them both to the standard they must thoroughly understand each other's ideals and their policies must not conflict. In some instances the law provides for visitation of institutions by the justices.

The children's court must be housed in a building properly equipped for the business in hand. The new Children's Court Building for Manhattan in New York City is perhaps the best and most thoroughly equipped of any. It was dedicated about two years ago. It has an air of substantial wholesomeness and conveys to those who frequent it a feeling of the dignity and kindness of justice. There are pleasant, sunny, sanitary rooms for the detention of children during the day while waiting the court's action. There is a nursery for the smaller children and a rest room for the distracted mothers who often become hysterical and need a place in which to be alone and quiet. Provisions are made for a waiting room separate from the court room where people having business with the court can wait until their cases are called. The court room itself is small and in so far as is compatible with public policy the general public is excluded and only those directly interested in the case in hand are allowed in the court room itself. This is necessary to protect the children from unnecessary shame in some cases and to prevent the satisfaction of brazen pride in others that is occasioned by a baldly public hearing.

Proper quarters are provided for the probation department. There is an adequate complaint room and rooms for the clerical staff of the court and for the proper filing of records.

One of the most essential parts of the administration of our most progressive courts and yet one of the most difficult to obtain is a proper system of records. Even after it is once established it is most difficult to keep it up to standard from month to month. The probation records of individual cases are the most important. These records are very full and complete and give a clear picture of the case as it was found by the court and all the action taken by the court and its repre-

sentatives of the probation department in the reformatory process which is bringing the child back to normal life.

Almost as essential as the record of the individual case is the report of the court to the community. The children's court is the community's court. It is its representative in handling delinquent children and the community has the right to know what is being done. Information of the court's activities is best given to the public through the medium of the annual report. Children's courts are recognizing this and there are now several scientific, interestingly written reports published. There is, however, yet much to be desired in the way of informing the public of the work of the court.

After the children's court is well started there is no other public activity which receives more attention from kindly disposed members of the community. The spectacle of a delinquent child arraigned before the bar of justice has a universal and telling appeal to the kind-hearted, and often even to those whom we consider to be hard-hearted. As a result in every children's court there appear many groups of volunteer workers and many individuals who want to help. Unfortunately, the zeal to do good and to be kind to those in misfortune many times brings with it a sort of dogmatism or stubbornness and as a general thing these volunteers all have their particular ways of doing things. Their zeal to help often leads them to think that anyone who opposes them in method is working against the interest of those whom they are trying to help. Therefore unless the status of the volunteer worker is pretty well established, and unless the judge and the probation officers exercise the greatest amount of tact, friction is bound to result. This kindly disposed person becomes suspicious of that one and there is often danger of all of them feeling that the court is not accepting their help with the grace that it should.

The work of these volunteers is essential to the proper development of the court and its relation to the community and to the salvation of the children who come to the court. The court needs them and must have their help. The question then is how *best* to use their services. In the well organized court the status of the volunteer worker is pretty well fixed. Here the standard of work requires that the court must have the authority in the plan for reformation. The probation officer as the representative of the court must be the responsible person and the volunteer workers must co-operate with the probation officer. It therefore becomes the duty of the probation officers to use the help of the volunteer workers in every possible way in forming the plan for handling the case and in carrying out this plan once



it is decided upon. Furthermore, the volume of the business of the court often requires the probation officer to relinquish supervision over children before the process of rehabilitation is complete. When the probation officer thus relinquishes supervision the volunteer must step in and take responsibility. In New York City this follow-up work is the principal field of activity of the Big Brothers and Big Sisters in their work with the court.

Not only does the children's court and its probation department find it necessary to co-operate with volunteer workers, but it is essential to their work that they enlist all the organized agencies of the community to help them in preventive and constructive work. First among these agencies are the schools. No good probation work can be done with a child in school unless, as is the case in New York, the probation officer has the confidence and active help of the child's teacher and of the school principal. The best standard of work is reached where from time to time conferences of school teachers and probation officers are held.

As we have said before, it is preferable if the probation officer in charge of a child is of the same religious faith as the child's family. In New York this preference is stated in the law. This enables the probation officer to have the co-operation of the church. The church and religious influences ought to be the most potent factors in reformation. The religious appeal is perhaps the strongest that can be made in the formation of better ideals and in implanting in the child's life the deep and abiding principles of right living. The probation officer worthy of the name at all times seeks the help of the priest, the minister or the rabbi, as the religion may be. Church clubs and the Sunday School are used to the utmost. The help of social settlements and other community centers are enlisted in the same manner. The juvenile delinquent is a problem of the whole community and our best courts are bringing all of the agencies of the community to the help of the boys and girls who need it.

This leads us to the best work that is being done, that is, the preventive work. The children's court is a sort of thermometer registering the goodness or badness of the community. When evil influences are creeping into a neighborhood the results are registered in the children's court. It is therefore in a peculiar position in its relation to the community. If the conditions that are reflected there are properly brought before the community the children's court can be made the most valuable agency for preventive work. The ills of the community are perhaps best diagnosed here, and here without question

should begin the movement for preventive work. The judges and the probation officers in our best developed children's courts have found this out and spend no little part of their time and their thought in plans and activities for preventive work.

It is a stinging commentary on our community life that delinquent children should be brought into our courts in such great numbers. It is imperative for the best community development that delinquency should decrease instead of increase. The children's courts of many communities are developing largely this preventive side of their work. If the whole community falls into line and helps, the delinquency should gradually decrease in volume and in the seriousness of the cases.

Social workers in the field of rehabilitation and relief of poverty find that intelligent, constructive case work is the essential thing. The children's court has come to the same conclusion in the reformation of the delinquent children. The probation officer very seldom has the child alone on probation, but must work with the whole family. Some of the best case work that is being done by any charitable society or philanthropic or public institution is being accomplished in some of our best children's courts.

A recent book has been written by Dr. William Healy, formerly Director of the Psychopathic Institute of the Chicago Children's Court. He has called his book, "The Individual Delinquent." The title is most significant. The juvenile courts are coming to feel that each case coming before them must be treated individually. There is no set rule to go by. Each case is a different problem. There is no hard and fast rule as to when a child should be committed or when he should be placed on probation.

The infinite patience of some of our courts and their probation officers in their help of the stumbling, erring, misguided children recalls to our minds the injunction of the Great Master of love and helpfulness, when asked how many times we should forgive, replied: "Seventy times seven." In the life of each child there are an infinite number of different influences that must be studied and worked with and overcome. The best standard of children's court work recognizes these individual differences, studies them and treats each case as a special charge to be worked with in a special way. Among the children who come before the courts each has a personality for development or for ruin. It takes patience, persistence, sympathy and kindly helpfulness to make the best of the misguided life. It requires the best thought of all of us to in any way approach a proper standard for children's court work that will make the most of the infinite possibilities that are found in the lives of the children that are placed in the custody of the court.